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SUBJECT: THE SPANISH INDICTMENTS: OUTRAGEOUS AND INACCURATE

Classified By: Ambassador Michael R. Arietti, reason 1.4 (B/D)

¶1. (C) Summary. The Spanish indictment of 40 Rwandan military officers offers an unrecognizable version of some of the most painful and violent episodes in Rwanda's history, distorting the established record, inventing mass killings, placing the blame for any misfortune Rwandans have suffered (including the 1994 genocide) on the Kagame government. It is a bloated political tract, sloppily organized and endlessly repetitive, and, ultimately, a disservice to those Rwandans who suffered real losses from revenge killings by the Rwandan Patriotic Army (RPA), the armed forces of the Rwandan Patriotic Front (RPF). End summary.

¶2. (SBU) Mission has reviewed an unofficial English language version of the Spanish indictment of 40 Rwandan military officers (several of whom are now dead) issued by Judge Fernando Andreu Merelles in February. This translations was produced by the Rwandan government; we are also in possession of a French language version of unknown provenance. While we do not claim extensive knowledge of the alleged abuses imputed to the RPA/RDF during the 1994 genocide or in the years before or after, we can offer a number of comments on the overall tone and structure of the document, as well as the overarching political theme offered by the Spanish judge.

¶3. (SBU) The thematic approach of the Spanish judge is evident from the opening paragraphs. The Rwanda Patriotic Front was founded, according to the judge, not as is conventionally understood as a political organization of refugees, unable to return home and finally deciding upon using military force to do so -- to regain a homeland -- but as a criminal organization consecrated to the elimination of Hutu civilians, the raping of women and girls, abduction, and terrorist acts. According to the judge, the three-fold aim of this terrorist organization was the elimination of the entire Hutu ethnic group, securing of power by force, and the establishment of a Tutsi criminal hegemony over all the Great Lakes region. Those assisting the RPF-RPA included various western powers, principally the United States. In fact, the RDF operated as an instrument of American power, took instructions from American officials in pursuing its criminal and genocidal assault on the Great Lakes region, and fought side by side with American Green Beret troops in Rwanda, the DRC and elsewhere in the region.

¶4. (SBU) To this entirely fanciful account of the origins and directing agencies of the RPF, we now turn to the judge's wildly inaccurate, not to say repugnant, description of the

origins of the genocide and the carrying of mass slaughter of civilians in 1994. At no point in the judge's narrative is the Habyarimana regime or extremist elements within that government at fault -- there is no planning for genocide, no carrying out of prepared massacres, nary a mention of the insidious and all-encompassing psychological preparation of mass killing by media outlets controlled by extremist elements. No, in fact, according to the judge, everything is the fault of the RPA. If there were large massacre of Tutsis anywhere in the country, it was the spontaneous reaction of an aggrieved Hutu population to organized killings perpetrated by the criminal Tutsi band of terrorists, killings intended to both terrorize the Habyarimana government and its Hutu supporters, and to provoke just such a reaction. If a moderate Hutu political leader was killed anywhere in the country (while the RPA occupied a small sliver of territory in the far north), according to the judge, in each and every instance it was the terrorist Tutsi band of evil-doers, intent upon slaughtering moderate Hutu political leaders and attributing responsibility to the Habyarimana regime. The larger goals the PRF/RPA had in mind in carrying out such actions, according to the judge, were to "demonize the Habyarimana regime," and "awaken and strengthen inter-ethnic hatred Hutu-Tutsi." In the judge's mistaken view, the Habyarimana regime was a peaceful, law-abiding government, intent upon bringing good to all Rwanda's people, if only left alone by the Tutsi hegemonists. The most casual of readings in recent Rwandan history would affirm what everyone in fact knows: ethnic hatred was stoked for years by Habyarimana extremist elements; however, not for for the Spanish judge, who apparently believes that ethnic hatred was never previously seen in Rwanda, not until the RDP/RPA sought to impose its terroristic ideology.

15. (SBU) With a short acknowledgment by the Spanish judge that hundreds of thousands of the Tutsis did lose their lives, somehow, in the mid-year months of 1994 (no attribution of the killings is hazarded), we now arrive, courtesy of the judge, at mathematically stupendous killings by the RPA, following their "criminal" conquest of the country. Upon "usurping power" (from the genocidal rump government that tottered from place to place in Rwanda from April to July, 1994) massive killings began -- from July 1994 to July 1995, "312,726 people were killed in a selectively and deliberate way." The numbers have an interesting precision: not 40,000 executed in Gitarama, but 39,912. Not 33,000 killings in Butare, but 33,433. The judge does not explain how such precision was reached. The bodies were subsequently disposed of in exactly 173 mass graves, using different "methodologies," such as hiding corpses, burning corpses, transporting them in trucks to undisclosed locations, and using heavy equipment to dig massive communal graves.

16. (SBU) The judge then proceeds to the time of the insurgency in northwest Rwanda, and the sprawling refugee camps in eastern Congo. Again, any casual reader of Rwanda's history would know that Hutu militias, remnants of the defeated Habyarimana armed forces and the Interahamwe, fought tooth and nail with the RPA, and engaged in indiscriminate killings across the northwest of Rwanda (the RPA engaging in revenge killings of its own, as the RPF itself acknowledges). Not so for the Spanish judge. According to the judge, there were no attacks upon any portion of Rwanda's population by Hutu militias operating out of the eastern Congo -- everything was staged by the RPF/RPA. For example, "There were continued attacks on the Hutu civilian population using a new technique devised by the Office of Intelligence, to simulate attacks against the civilian population by rebel infiltrators or (Hutu extremists), by attacking civilians in the area of Ruhengeri." The purpose of these simulated attacks by the RPA, according to the judge, was to "justify a rapid intervention by the RPA," and the accompanying slaughter of Hutus. According to the judge, the RPA fought with itself, as a pretext to further planned massacres of Hutus.

17. (SBU) The judge then cites, at various places, various

immense numbers of killings of Hutus by the criminal Tutsi regime since 1994. At one point he cites 1.7 million Hutu victims (thereby doubling the figure of approximately 800,000 victims of the genocide), and at another, 4 million Hutu refugees and Congolese citizens, "the majority of them Congolese Hutus." While we cannot evaluate each and every incident recorded in the massive indictment, and some may well concern real killings by renegade RPA troops, we find these numbers, as well as those in paragraph 5, to be literally unbelievable.

18. (C) Comment. The indictment is very long (182 pages in the French translation), badly organized, and sloppily repetitive. The narrative repeats itself over and over, hundreds and hundreds of separate paragraphs, covering ground, recovering it, re-recovering it, a Sisyphean retelling of some of the most painful episodes of Rwandan history in outrageously inaccurate terms. The indictment dishonors the actual dead, while conjuring up legions of ghost victims to blame on the Kagame government. There are episodes of revenge killings at the hands of the Rwandan government, the RPA in the field, that have never been accounted for; yet the overall lack of credibility in the judge's approach to events undermines his description of specific actions the Rwandan military allegedly committed. This document does not move the squaring of accounts forward one iota -- if anything it is a disservice to those Rwandans who seek an accounting for their losses at the hands of Rwandan government troops. End comment.

ARIETTI